

TENTATIVE RULINGS for CIVIL LAW and MOTION

April 20, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. If no hearing is requested, the tentative ruling is effective immediately. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

TENTATIVE RULING

Case: California Co-op Cab v. Fowler

Case No. CV CV 08-1844

Hearing Date: April 20, 2009 Department Fifteen 9:00 a.m.

Plaintiffs' motion to disqualify opposing counsel is **DENIED**. (*Meehan v. Hopps* (1956) 144 Cal.App.2nd 284, 290.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: County Fair Fashion Mall v. Creative Tile, Inc.

Case No. CV CV 07-2754

Hearing Date: April 20, 2009 Department Fifteen 9:00 a.m.

Creative Tile, Inc.'s unopposed motion to have the matters stated in its Request for Admissions, Set No. One to County Fair Fashion Mall, LLC deemed admitted is **DENIED**. Before the hearing on the defendant's motion, County Fair Fashion Mall, LLC served a response that substantially complies with Code of Civil Procedure section 2033.220. (Code Civ. Proc., § 2033.280, subd. (c).)

Creative Tile, Inc.'s unopposed motions to compel responses to form and special interrogatories and demand for production of documents, sets no. one to County Fair Fashion Mall, LLC are **GRANTED**. (Code Civ. Proc., §§ 2030.290, subd. (b) and 2031.300, subd. (b).)

Creative Tile, Inc.'s unopposed requests for monetary sanctions are **GRANTED** in the total amount of \$907.50. (Code Civ. Proc., § 2033.280, subd. (c); Cal. Rules of Court, rule 3.1030.)

Creative Tile, Inc. shall serve counsel for the plaintiff with a copy of this order by no later than April 22, 2009. County Fair Fashion Mall, LLC shall serve verified answers to the above

interrogatories and demands for production of documents, without objections, **by no later than May 4, 2009.**

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.

TENTATIVE RULING

CASE: **GE Commercial Distribution Finance Corp. v. Custom
Manufactured Homes, Inc.
Case No. CV CV 09-190**

Hearing Date: **April 20, 2009** **Department Fifteen** **9:00 a.m.**

The unopposed application for a writ of possession is **GRANTED**. (Code Civ. Proc., §§ 512.010 *et seq.*) No undertaking by the plaintiff is required. (Code Civ. Proc., § 515.010, subd. (b); Declaration of Heidi Seever ¶¶ 1-2, 8-10, 14-15, 17-19, 22-23, and 25-27.) The amount of the defendant's undertaking sufficient to satisfy the requirements of Code of Civil Procedure section 515.020, subdivision (b) is \$25,000.00, unless the plaintiff can establish another amount.

Items 1 and 5.d of the proposed Order for Writ of Possession should be completed.

Plaintiff shall serve a copy of this order and the Order for Writ of Possession on the defendant.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.

TENTATIVE RULING

Case: **People v. \$749.00
Case No. CV PT 09-688**

Hearing Date: **April 20, 2009** **Department Fifteen** **9:00 a.m.**

The hearing in this case must be by jury, unless waived by consent of all parties. (Health and Safety Code, § 11488.5, subd. (c)(2).) This matter is ordered to be tried in conjunction with the related criminal action, Yolo County Superior Court Case No. CR F 09-443. (Health and Safety Code, § 11488.4, subd. (i)(3) and (i)(5).)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Yeo v. Khalid**
 Case No. CV PM 08-2991

Hearing Date: **April 20, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiffs Clayton Yeo and Jessica Yeo's unopposed motion to reclassify this case as an unlimited civil case is **DENIED WITHOUT PREJUDICE**. Code of Civil Procedure section 396 has no applicability to the instant matter because the plaintiffs are not seeking to transfer their complaint to an appellate court or to the Supreme Court.

Code of Civil Procedure sections 403.010 *et seq.* govern the plaintiffs' motion. Plaintiffs have not presented evidence to demonstrate a possibility that their damages will exceed \$25,000. Plaintiffs have not shown good cause for not seeking reclassification earlier. (Code Civ. Proc., § 403.040, subd. (b).)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.